

REMARKS***Summary of the Amendment***

Upon entry of the above amendment, claims 1, 8, 11, 15, 21, and 31 will have been amended and claims 2 and 3 will have been canceled without prejudice or disclaimer. Accordingly, claims 1 and 4 – 34 currently remain pending. However, as claims 1 – 14 and 21 – 30, directed to the non-elected invention, have been withdrawn from consideration, only claims 15 – 20 and 31 – 34 are currently under consideration by the Examiner.

Summary of the Official Action

In the instant Office Action, the Examiner has withdrawn claims 1 – 14 and 21 – 30, directed to the non-elected invention, from consideration, and has rejected claims 15 – 20 and 31 – 34 over the art of record. By the present amendment and remarks, Applicants submit that the rejections have been overcome, and respectfully request reconsideration of the outstanding Office Action and allowance of the present application.

Amendment to the Claims and Request for Rejoinder of Non-Elected Claims

By the present amendment, Applicants, in addition to amending pending claims 15 and 31, have also amended withdrawn claims 1, 8, 11, and 20. Applicants note that these claims have been amended to recite the process occurs in the apparatus recited in either independent claim 15

or independent claim 31. Thus, these claims have been amended to include all of the features of the apparatus.

Accordingly, upon allowance of independent claims 15 and 31, Applicants request rejoinder and consideration of withdrawn claims 1 – 14 and 21 – 30, and an indication that these claims are allowable.

Traversal of Rejection Under 35 U.S.C. § 102(b)

1. Over WO '880

Applicants traverse the rejection of claims 15 – 20 and 31 – 34 under 35 U.S.C. § 102(b) as being anticipated by International Publication No. WO 96/39880 [hereinafter "WO '880"]. the Examiner asserts WO '880 shows a device for manufacturing cigarettes which includes an apparatus for assembling groups of filter segments composed of a tubular rod maker and mouthpiece filter maker to provide at least two different types of filter segments, a combiner, and a grading drum. Applicants traverse the Examiner's assertions.

Applicants' independent claim 15, as currently amended, recites, *inter alia*, a first assembling device structured and arranged to assemble the at least two different types of filter segments into groups, a separation device structured and arranged to divide the groups into part groups, and a *combining device to combine the part groups in such a manner that the filter segments of the part groups are adjoined in a lengthwise axial manner*. Further, Applicants' independent claim 31, as currently amended, recites, *inter alia*, an assembling device coupled to said plurality of filter segment units to axially align the produced plurality of filter segments of different types, a separation device

coupled to said assembling device to divide the axially aligned filter segments into part groups, and a *combining device coupled to said separation device to combine the part groups such that the filter segments of the part groups are adjoined in a lengthwise axial manner*. Applicants submit that WO '880 fails to disclose at least the above-noted features of the present invention.

Applicants note that WO '880 discloses a cigarette and method of manufacturing the cigarette, in which the method includes providing a succession of hollow plugs in alternating relation to tobacco plugs, wrapping them to form a continuous rod, severing the formed continuous rod, separating members of associated pairs of tobacco rod plugs, placing filter tip plugs between the separated members, wrapping the filter tipping plugs with the severed continuous rods, and severing the tipped structures into individual cigarettes.

However, because WO '880 does not disclose a device to assemble filter segments, Applicants submit that WO '880 cannot even arguably teach a group of assembled filter segments being divided into part groups of filter segments. Further, WO '880 does not even arguably disclose a combining device to combine the part groups so that the filter segments are adjoined in a lengthwise axial manner.

Because WO '880 fails to disclose at least the above-noted features, Applicants submit that this document cannot even arguably anticipate an

apparatus including a device to assemble at least two different types of filter segments into groups, a separation device to divide the groups into part groups, and a combining device to combine the part groups in such a manner that the filter segments of the part groups are adjoined in a lengthwise axial manner, as recited in at least amended claim 15, or an assembling device coupled to said plurality of filter segment units to axially align the produced plurality of filter segments of different types, a separation device coupled to said assembling device to divide the axially aligned filter segments into part groups, and a combining device coupled to said separation device to combine the part groups such that the filter segments of the part groups are adjoined in a lengthwise axial manner, as recited in at least independent claim 31.

Thus, Applicants submit that the Examiner has failed to provide an adequate evidentiary basis to support an anticipation rejection under 35 U.S.C. § 102(b).

Further, Applicants claims 16 – 20 and 32 – 34 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicants submit WO '880 fails to anticipate any of claims 16 – 20 and 32 – 34 under 35 U.S.C. § 102(b).

Accordingly, Applicants request the Examiner reconsider and withdraw the rejection of claims 15 – 20 and 31 – 34 under 35 U.S.C. § 102(b) and indicate that these claims are allowable.

1. Over WO '880

Applicants traverse the rejection of claims 15 – 20 and 31 – 34 under 35 U.S.C. § 102(b) as being anticipated by United Kingdom Patent Application No. GB 2 267 021 [hereinafter “GB '021”]. the Examiner asserts GB '021 shows an apparatus for assembling groups of filter segments composed of a black filter section and a white filter section, a drum to arrange the filter sections in axial alignment, a drum with a rolling plate to offset the section from each other, and an alignment drum on which the filter elements are ploughed back together in axial alignment. Applicants traverse the Examiner's assertions.

As discussed above, Applicants' independent claim 15, as currently amended, recites, *inter alia*, a *combining device to combine the part groups in such a manner that the filter segments of the part groups are adjoined in a lengthwise axial manner*. Further, Applicants' independent claim 31, as currently amended, recites, *inter alia*, a *combining device coupled to said separation device to combine the part groups such that the filter segments of the part groups are adjoined in a lengthwise axial manner*. Applicants submit that WO '880 fails to disclose at least the above-noted features of the present invention.

Applicants note that GB '021 discloses producing filter cigarettes with composite mouthpieces that are produced by separately delivering different filter sections to positions adjacent the ends of tobacco sections and wrapping and sealing them together to form a filter cigarette.

However, Applicants note that, as GB '021 discloses a device that repeatedly separates and assembles filter segments into progressively smaller filter segment units (B/W/B), GB '021 discloses a device for combining/aligning filter segments of individual part groups, not a device *to combine the part groups* so that the filter segments are adjoined in a lengthwise axial manner, as recited in at least independent claims 15 and 31.

Because GB '021 fails to disclose at least the above-noted features, Applicants submit that this document cannot even arguably anticipate an apparatus including a combining device to combine the part groups in such a manner that the filter segments of the part groups are adjoined in a lengthwise axial manner, as recited in at least amended claim 15, or combining device coupled to said separation device to combine the part groups such that the filter segments of the part groups are adjoined in a lengthwise axial manner, as recited in at least independent claim 31.

Thus, Applicants submit that the Examiner has failed to provide an adequate evidentiary basis to support an anticipation rejection under 35 U.S.C. § 102(b).

Further, Applicants claims 16 – 20 and 32 – 34 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention.

In particular, Applicants submit GB '021 fails to anticipate any of claims 16 – 20 and 32 – 34 under 35 U.S.C. § 102(b).

Accordingly, Applicants request the Examiner reconsider and withdraw the rejection of claims 15 – 20 and 31 – 34 under 35 U.S.C. § 102(b) and indicate that these claims are allowable.

Application is Allowable

Thus, Applicants respectfully submit that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. §§ 102 and 103, and respectfully request the Examiner to indicate allowance of each and every pending claim of the present invention.

Authorization to Charge Deposit Account

If for any reason a check including the amount for any necessary fees is not associated with this file, the undersigned authorizes the charging of the amounts identified herein for the missing check, as well as any necessary fees not explicitly identified, including any further extensions of time fees required to place the application in condition for allowance by Examiner's Amendment, to Deposit Account No. 19 - 0089 in order to maintain pendency of this application.

CONCLUSION

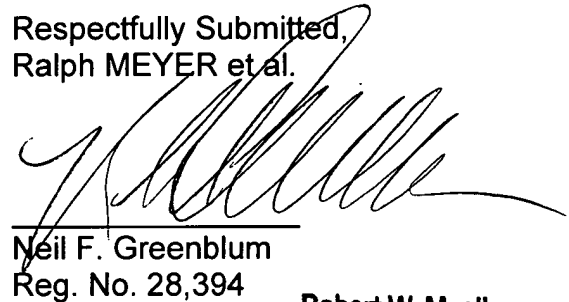
In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicants' invention, as recited in each of claims 15 – 20 and 31 – 34, or as recited in each of the withdrawn claims 1, 4 – 14, and 21 – 30, for

which Applicants have requested rejoinder and consideration. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully Submitted,
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